

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

FILED

MAR 31 2006

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SUSAN SMITH,

Plaintiff,

CIV. 05-3045

-VS-

CROW CREEK SIOUX TRIBE, CROW  
CREEK HEAD START AND CROW  
CREEK SIOUX TRIBE d/b/a CROW  
CREEK HEAD START and SD SCHOOL  
DISTRICT BENEFIT FUND,

Defendants.

OPINION AND ORDER

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The plaintiff and defendant South Dakota School District Benefit Fund ("benefit fund") filed a stipulation (Doc. 13) in which both parties agree that the Court may enter an order dismissing the benefit fund for lack of subject matter jurisdiction, without prejudice, without further hearing or notice, and without cost to any party. The Court has reviewed the stipulation and good cause appearing,

IT IS ORDERED, as follows:

(1) That the stipulation for dismissal (Doc. 13) is granted and the benefit fund is dismissed for lack of subject matter jurisdiction, without prejudice, without further hearing or notice, and without cost to any party; and

(2) The benefit fund's motion to dismiss (Doc. 7) is denied as moot.

Dated this 31st day of March, 2006.

BY THE COURT:

  
CHARLES B. KORNMANN  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

DEPUTY

(SEAL)